

G. L. P. asks the Utah Labor Commission to review Administrative Law Judge Eblen's dismissal of Mr. P.' claim for additional benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

ISSUE PRESENTED

Is knee replacement surgery necessary to treat Mr. P.' work-related injury?

FINDINGS OF FACT

With the following exception, the Commission adopts the findings of fact set forth in Judge Eblen's decision.

At page six of the decision, Judge Eblen states that Mr. P. "saw Dr. Stack on April 30, 2001, and July 23, 2001, several months prior to the accident, for complaints of left knee pain and crepitus as well as back pain." In fact, the foregoing medical evaluations occurred several months after the accident in question.

DISCUSSION AND CONCLUSION OF LAW

As noted in Mr. P.' motion for review of Judge Eblen's decision, "the issue at hand concerns whether or not Mr. P.' need for a total knee replacement on the left side is causally related to the industrial accident of September 19, 2000." This is preeminently a medical question.

The medical evidence on the foregoing issue consists of the opinions of Mr. P.' treating physician, another physician commissioned by the respondents to evaluate Mr. P., and an impartial medical panel appointed by Judge Eblen. The Commission considers all of the foregoing medical evidence on its individual merits, with no particular deference extended to the medical panel or the other medical experts.

Judge Eblen's decision explains in detail her basis for accepting Dr. Knoebel's report as persuasive. As noted above, Judge Eblen erred in stating that Mr. P. saw Dr. Stack prior to the accident. However, even with that error corrected, the Commission agrees with Judge Eblen that Dr. Knoebel's report is persuasive in terms of its recognition of Mr. P.' complete medical history and its analysis of the course and progress of his knee problems. The Commission therefore affirms Judge Eblen's reliance on Dr. Knoebel's opinion in denying Mr. P.' claim for additional benefits.

ORDER

The Commission affirms Judge Eblen's decision and denies Mr. P. motion for review. It

is so ordered.

Dated this 25th day of February, 2004.

R. Lee Ellertson, Commissioner